

REMARKS

Claims 10, 17, and 19-24 are pending in the present application. Claim 18 was canceled in a response to a non-final office action filed August 3, 2006. Thus, the numbering of claims 19-22 remains as written. With entry of this Amendment, Applicant hereby amends claims 10 and 17. Claims 23 and 24 are newly added. Reexamination and reconsideration in view of the amendments and arguments submitted herein are respectfully requested.

The Examiner rejected claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Honda et al. (JP 2002-203321, as relied upon by the Examiner in U.S. Publication No. 2002/0191517; hereinafter Honda) in view of Izumi (U.S. Patent 5,859,824; hereinafter Izumi).

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Honda in view of Izumi as applied to claim 10 above, and further in view of Honda (U.S. Publication No. 2002/0003760, hereinafter Honda '760).

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Honda in view of Izumi and further in view of Katsuyama et al. (U.S. Patent 4,723,234; hereinafter Katsuyama).

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Honda in view of Izumi, and further in view of Katsuyama as applied to claim 17 above, and further in view of Honda '760.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Honda in view of Katsuyama.

These rejections are respectfully traversed.

Applicants amended claims 10 and 17. Applicants amended each claim to recite paint on a label surface that changes visually when irradiated with laser light. Specifically, claims 10 and 17,

as amended, recite “and the label surface is applied with the paint which forms the visible image when irradiated with the laser light.”

Support for these amendments is found throughout the specification and drawings. For example, paragraphs 0044 and 0046 of the application recite the use of a special paint on an optical disk to be used with laser light to form the image representing the desired information.

In contrast, neither Honda nor Izumi discuss the above recitations. Honda is directed to a color-changing layer. (*See, e.g.*, paragraph 0010.) “The visible light characteristic changing layer can be constituted in the form of concentric fringes or linear stripes, rather than in the form of dots or voids.” (*Id.*) The “visible light characteristic changing layer” recited in Honda does not provide for paint and is instead marked in discreet geometric shapes, such as “concentric fringes or linear stripes,” or “dots or voids.” Accordingly, Honda fails to disclose or suggest the claimed invention of claims 10 and 17. Izumi likewise does not teach or disclose a label surface applied with paint, which forms the visible image when irradiated with laser light.

Furthermore, the Examiner rejected claims 10 and 17, citing Honda Figure 19 and paragraphs 0031 and 0032. Claims 10 and 17 provide an optical disk without a reflection layer under a label surface. As shown in Figure 1 of Honda, a reflection layer 16 is disposed under the visible light characteristic changing layer 18, whereas claim 10's label surface has no reflection layer under the label surface. Likewise, in Figure 19 of Honda, the reflection layer 16 is disposed under the visible light characteristic changing layer 18. The intermediate layer 24 in between these two layers still provides for positioning of the reflection layer 16 under the visible light characteristic changing layer 18, as the intermediate layer 24 provides a light scattering effect to assist in the formation of images on the optical disk. (*See, e.g.*, paragraph 0032.) Accordingly Honda fails to disclose or suggest the claimed invention of claims 10 and 17. Izumi likewise does not teach or disclose an optical disk without a reflection layer under a label surface.

The Examiner rejected claim 20 over Honda in view of Izumi, citing Honda paragraph 0048. Claim 20 features laser light being vibrated with a predetermined amplitude in a radial direction of the optical disk at a predetermined cycle or variable cycle while the laser light is applied to a same

circumference of the optical disk a plurality of times during the recording of the visible image, so that the laser light is applied to different positions along the same circumference. The applications of laser light vibrations form a visible image with increased density on the label surface. Honda, however, features a single vibration application to the disk. Accordingly, Honda fails to disclose or suggest the claimed invention of claim 20. Katsuyama does not teach or suggest this recitation. Therefore, Claim 22, which recites the same feature, overcomes the Examiner's rejections for at least the same reasons.

Accordingly, for the reasons set forth above, Applicants respectfully submit that claims 10, 17, 20, and 22 are patentable over Honda in view of Izumi for at least the reasons set forth above. Claims 19, 21, 22, and 24 depend from claims 10, 17, 20, and 22 and are patentable for at least the reasons set forth above with respect to claims 10, 17, 20, and 22.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5481 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032039600.

Dated: June 3, 2009

Respectfully submitted,

By /Krista A. Krahn, #64,070/
Krista A. Krahn
Registration No.: 64,070
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-56305481